

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
OMAR MINUS, :
:
Plaintiff,, :
:
-v- : 17-CV-4623 (JMF)
:
OFFICER BRIAN BENVENUTO and OFFICER :
JOSPEH TENNARIELLO, :
:
Defendants. :
:
----- X

JESSE M. FURMAN, United States District Judge:

Plaintiff failed to appear at trial this morning at 9:30 a.m. Plaintiff had been repeatedly warned, including in person at the final pretrial conference on February 8, 2022, that “if he fails to appear for trial..., his remaining claim *will be* dismissed for failure to prosecute and/or as abandoned.” ECF No. 160 (emphasis added). Accordingly, and for the reasons stated on the record, **the case is dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute.** See, e.g., *Lewis v. Rawson*, 564 F.3d 569, 580 (2d Cir. 2009) (“It is beyond dispute under our precedent that a district court may dismiss a case under Rule 41(b) when the plaintiff refuses to go forward with a properly scheduled trial.” (internal quotation marks omitted)). The Clerk of Court is directed close this case, to enter judgment in favor of Defendants, and to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: February 10, 2022
New York, New York



JESSE M. FURMAN
United States District Judge